# "COMPATIBLE CONSTITUTIONAL PROVISIONS FOR CONTEMPORARY POLITY OF INDIA WITH SPECIAL REFERENCE TO PUNJAB"

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This is to certify that **Mr. Peeyush K Mehta** is a student of Ph.D., School of Law, JECRC University, Jaipur. He has written the synopsis titled **"COMPATIBLE CONSTITUTIONAL PROVISIONS FOR CONTEMPORARY POLITY OF INDIA WITH SPECIAL REFERENCE TO PUNJAB".** He has done this work under my supervision and guidance. To the best of my knowledge, the candidate has done original work on the subject.

Date: 23.09.2025

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## DECLARATION

I, **Peeyush K. Mehta** hereby declare that this synopsis titled **"COMPATIBLE CONSTITUTIONAL PROVISIONS FOR CONTEMPORARY POLITY OF INDIA WITH SPECIAL REFERENCE TO PUNJAB"** is based on the original research work carried out by me under the guidance and supervision of Dr. Namita Jain.

The interpretations put forth are based on my reading and understanding of the original texts. The books, articles, news reports and websites etc. which have been relied upon by me have been duly acknowledged at the respective places in the text.

For the present synopsis which I am submitting to the University, no Degree or Diploma has been conferred on me before, either in this or in any other University and if afterwards it is found that this submitted work is plagiarized, I shall be the one responsible for the same.

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## ABSTRACT

India's evolving federal structure demands renewed clarity and enforcement of constitutional provisions. This is to ensure that state autonomy remains meaningful, particularly in regions like Punjab with distinctive historical, cultural, and socio-political identities. This research examines existing constitutional and statutory provisions compatible with a polity that balances national integrity with regional autonomy. The focus of the study is on how these provisions operate in Punjab.

Key provisions analyzed include the Seventh Schedule, which demarcates Union, State, and Concurrent Lists, Article 200–201 concerning state bills, assent, and reservation powers of the Governor, Article 371 and Part XXI (Temporary, Transitional and Special Provisions), which historically provided special status or regional safeguards and state laws such as the *Punjab Laws (Special Provisions) Acts* (2013, 2014, 2016) that accommodate unique administrative, cultural, or urban-planning needs. The study also studies recent legal arguments for example, Punjab's submission to the Supreme Court asserting that a Governor cannot act as a constitutional filter in evaluating the validity of state laws. (Sept 2025)

Through doctrinal and case-law analysis, the study identifies gaps in clarity especially regarding Governor's discretionary powers, procedural safeguards, and enforcement against such power. It proposes modest reforms, defining clearer timelines for reservation of bills, strengthening of judicial enforcement of state rights to ensure predictable fiscal transfers and to preserve linguistic, cultural, and institutional autonomy. These reforms are constitutionally grounded and essential to integrate Punjab both with dignity and with full agency in India's union.

## INTRODUCTION

The evolution of state autonomy in India from 1947 through 2024 reflects a complex relation of constitutional design, political dynamics, economic reforms, judicial interventions, and administrative practice. During this period, India has fluctuated between phases of strong centralization and assertion of state rights. Each phase shaped by internal political pressures, evolving economic demands, social division, and changing interpretations of constitutional federalism. For grasping India's federal architecture and for anticipating future governance challenges, understanding how autonomy for States has faced ebb and flow is critical. Emerging domains like digital governance, environmental regulation, and fiscal federalism further add fuel to the fire. This introduction traces that development, highlights key points, identifies persistent tensions, and poses foundational questions that a full study of state autonomy need to address.

### 1. Constitutional Foundations and Post-Independence Centralization (1947-1960s)

At the time of independence (1947) and at the time of adoption of the Constitution in 1950, India was conceived as a federal polity with strong unitary features. The members of the drafting committee of the Constituent Assembly were mindful of the need for national integration. Many factors promoted this kind of perception especially the partition, communal violence, princely state integration, and varied linguistic, religious and cultural identities. The Constitution reflects these dual facets. First, it grants power to States especially in legislative domains in the State List and Concurrent List. At the same time it empowers the Centre with broader authority in external affairs, defense, currency, and finance. The residuary powers i.e. matters not enumerated in any list were vested in the Union. Thus, from its very foundation, Indian federalism had a tilt towards the Centre i.e. Unitary Bias.

At the dawn of Indian Republic, the Centre took steps to reorganize States to reduce potential friction. The States Reorganisation Act of 1956 reorganized boundaries of state on linguistic basis in response to regional demands and identity-based protest. All this exercise was done under tight central oversight. Even the creation and alteration of States required parliamentary approval as given under Article 3, Part-I of the Constitution of India. This period was characterized by least challenge from the States to the dominance of Centre. This dominance was in legislative, financial, and administrative domains.

**2. Rise of Regional Assertion and Limited Federal Pushback (1967-1989)**

The period following the general elections of 1967 marked a turning point. For the first time, the Congress Party lost majority in some States . This gave rise to regional parties and coalitions in Indian Polity. These state governments began to assert more independence. They started demanding greater say in governance, including in appointments of Governors of States , in revenue matters and in the implementation of centrally-sponsored schemes at state level. However, in many respects, the Centre retained its commanding position. The Union Government established control over key areas such as finances, legislative affairs for example dominance over Concurrent List. Similarly, the misuse of constitutional tools like Article 356 President's rule in States remained potent.

There was recognition of tensions in Centre-state relations in this era,. The **Rajamannar Committee** was formed for Tamil Nadu in 1969. Later on, the **Sarkaria Commission** was set up in 1983. These commissions were established to examine the distribution of powers. The report of Sarkaria Commission not only emphasized maintenance of the status quo in many areas but also called for more cooperative federalism. Many of the recommendations of Sarkaria Commission like strengthening state control over governor appointments, limiting misuse of Article 356 have been applied half heartedly.

### 3. Economic Liberalization and Growing State Role (1989-2000)

The late 1980s and early 1990s brought larger economic transformations. The liberalization reforms of 1991 opened up the economy. These reforms reduced central regulation in many sectors. The reduction of central regulation introduced competitive federalism in practice. The States competed to attract investment, industry, infrastructure etc. The States paid more heed in determining economic outcomes, especially in sectors like power, industry, infrastructure, agriculture and social services. Many state governments emerged with regional or coalition structures. They demanded for fiscal devolution, increased state discretion, and better inter-governmental mechanisms vehemently.

The constitutional and judicial interventions became oppotunities for States to push back on central encroachment upon their sphere of powers. This further clarifed Centre-State relations in Indian Federalism. The courts addressed misuse of Article 356 for example in the case of *S. R. Bommai v. Union of India* of Karnatka State (1994). This limited the arbitrary dismissal of state governments by the Centre under garb of breakdown of constitutional machinery. This was a strong assertion of state autonomy in political and constitutional milieu.

### 4. Cooperative and Competitive Federalism (2000-2014)

After 2000, there was coalition politics at the centre became predominant. The cooperative federalism became more pronounced. The Centrally-sponsored schemes were negotiated with States . The States had more say in implementation and design of such schemes. Simultaneously, competitive federalism also grew. The States sought to attract investment, improve infrastructure, and enhance governance metrics. They tried to rank in national

comparisons. Many concessions like fiscal incentives, tax breaks, public policy experiments in social welfare, education, health became tools for States to distinguish among themselves.



Still, there were many difficulties. The States continued to depend heavily on central transfers. The central ministries and agencies often retained significant discretion fixing the guidelines of the scheme. The Governors and other instruments of central oversight like appointments, supervision were used to influence state governments.

**5. Renewed Centralization and Challenges to Autonomy (2014-2024)**

There is a government with strong parliamentary majority at the centre 2014 onwards. There has been growing concern over erosion of state autonomy. Several developments mark this phase:

- The abrogation of Article 370 (2019 ) is the clearest instance of centralization in constitutional-territorial terms. This abrogation removed the special autonomous status of Jammu & Kashmir.
- There is proliferation of centrally-sponsored schemes (CSSs) and centrally visible schemes. The spheres of the schemes include social welfare, infrastructure, health, law and order. The schemes were often accompanied with stringent conditions or guidelines. Although financial incentives are offered yet the States still feel their priorities of States ' policy are constrained.
- Legislative conflicts: There is a list of central laws and proposals which have triggered strong opposition from States . The opposition comes particularly from those States where there are strong regional governments. The controversial farm laws, which were proposed in 2020 and later repealed, are one example of this kind of opposition. The state governments like Punjab and Haryana are cited encroachment into

agriculture and livelihoods . These areas are traditionally within the purview of the state as per Seventh Schedule of the Constitution of India.

- Fiscal tensions: The Goods and Services Tax was introduced in 2017. The States ceded their indirect tax powers. The States were promised compensation for revenue losses for a "transition period." A debate arose when the compensation period ended in June 2022. Many States sought extension of the compensation period. Some States criticized delays or insufficiency of compensation. The dependence of States dependence on GST compensation has been high in many cases. This dependence makes the States vulnerable in fiscal federalism.
- Judicial role: The Supreme Court has in various judgments reinforced or rights of the States and boundaries of federalism . *S. R. Bommai's case* remains a landmark case in this regard. Yet the recent decisions of the Hon'sble Supreme Court on legislative competence, revenue sharing, or state regulatory powers have had mixed outcome. Some decisions are favouring Centre while other decisions are favouring States . These decisions reveal how constitutional law adapts to changing political and economic reality.

**6. Fiscal Federalism and GST: A Key Tension**

The **fiscal federalism in** Centre-State relations is among the most pressing scenarios of modern times. This issues of fiscal federalism particularly emerged with the introduction of GST. The compensatory regime of GST is the most controversial.

- Under GST regime, the States agreed to surrender certain taxation powers in the matters of indirect taxes. This was done under the demand of a unified national market. In return for creation of a common market, the States were promised revenue protection and compensation for any shortfall from a base revenue growth assumption.

- When the transition-cum-compensation period ended in June 2022, many States , especially opposition-led States or financially weaker States , expressed concerns about various matters. These matters include loss of revenue, unpaid dues, borrowing burdens, and dependency on central discretion in providing funds under GST regime.
- Some northeastern States benefitted significantly in the early years of GST due to revenue growth while others found themselves vulnerable due to higher dependency on compensation cess or weaker tax capacity,
- This complexity of fiscal federalism shows that formal constitutional autonomy, including laws, powers, lists, is only one dimension. Financial autonomy, administrative discretion, and resource capacity are equally critical in fiscal federal relations. The States ' capacities to act independently are constrained without adequate revenue sources or fair compensation.

**7. Judicial and Institutional Checks**

The courts and constitutional institutions have played an important role

- The case of *S. R. Bommai v. Union of India* (1994) has put a check on the arbitrary use of Article 356 i.e. undue dismissal of state governments. This re-affirms the fact that Centre's power is subject to judicial review.
- Other cases and constitutional amendments have clarified rights and limits: There are many other issues federalism which have invited many cases and constitutional amendments. These cases and amendments have clarified rights and limits. They include the institute of Governors, their discretionary powers, and the central oversight on state legislation etc.
- The Commissions, like Sarkaria Commission, have proposed reforms but many of the reforms are only partially implemented.
- The GST Council is a form of cooperative federalism bringing together Centre and States to decide on tax rates, compensation, and rules of

functioning of the tax regime. It is an institutional innovation. However, its functioning and fairness have many contentious issues. Under the GST Council the States feel their voice or revenue share is being subordinated.



**8. Emerging Domains: Autonomy in the 2020s and Beyond**

As we move into the current decade, several new dimensions of state autonomy are becoming relevant :

- **Digital governance and data**: The States are increasingly demanding say over data governance, privacy laws, digital infrastructure, public health data, environmental data etc. The rise of digital public goods, smart cities, e-governance, and States ' initiatives in technology indicates that the autonomy is being tested in non-traditional ways.
- **Environmental regulation and climate policy**: The States are pushing for stronger rights and responsibilities in environmental decision-making, regulation of industries, water resource management etc. With climate change and environmental degradation these issues are becoming urgent.
- **Law and order / social welfare**: The central laws, national security concerns, overlapping legislation, and centrally sponsored welfare schemes often introduce central oversight whereas the States are constitutionally responsible for law, public order, agriculture, public health etc. The negotiation of the boundaries of oversight is ongoing.
- **Revenue sharing and centre-state financial relations**: The compensation for GST revenue loss remains a flashpoint. In addition to this there are many other fiscal conundrums like equitable sharing of resources, grants, the relative share of central versus state taxation powers, and borrowings. Some States are especially vulnerable due to lower capacities or high dependence on transfers. This fiscal process is eating upon their autonomy.

- **Judicial interpretations and constitutional amendments**: The decisions of Supreme Court continue to matter. The proposals for constitutional reforms or new commissions to review Centre-State relations indicate ongoing uncertainty and contested spaces. The state governments have demanded grant of autonomy in the matters of the division of labour, financial devolution, and autonomy in the sphere of administration.

**9. Persistent Tensions and Key Questions**

There are certain recurring tensions which become clear through this constitutional history:

- The tension between unity and diversity which ensures national integrity versus recognizing regional identities, languages, culture.
- The tension between legislative power versus financial autonomy. Even if States have laws to make and policies to adopt, if they lack revenue or depend excessively on transfers, their autonomy is restricted.
- The tension between **formal constitutional provisions versus real political practices**. Many Constitutional developments can act to dilute autonomy despite constitutional guarantees. The instruments like Governor's powers, Article 356, centrally-sponsored schemes, oversight in financial or administrative matters are of great prominence in this regard.
- The tension of central crises or emergencies like national security, pandemics, economic shocks often lead to assertions of central power over States .
- The tension between institutional mechanisms of cooperation like GST Council, Inter-State Council, etc. In these asymmetric power realities the Centre government often has the upper hand due to its control over external affairs, defense, foreign relations, money, etc.

These tensions suggest several questions to guide a deeper study:

1. How have political party systems i.e. single party system versus coalition political has affected state autonomy and paved the way for emergence of the strong regional parties?
2. What is the role of judicial review in protecting or limiting the rights of States throughout the constitutional history ?
3. How have fiscal reforms like tax devolution, GST, grants, borrowing powers reshaped the norms of autonomy of States ?
4. In what ways have new domains like digital, environmental, data governance have introduced novel challenges for Centre-State equilibrium?
5. How do States with different capacities economically stronger versus weaker States , resource endowed versus resource poor States fare differently in asserting autonomy?

## RESEARCH AIMS AND OBJECTIVES

- To assess in what spheres States in India can be granted more autonomy as per the contemporary needs.
- To evaluate whether there is any possibility of threat to national security and integrity while granting such autonomy to States. If yes, then how to nip the evil in bud ?
- To identify various perspectives of granting autonomy to States in India.
- To examine a case study of the State of Punjab as model for the demand of States ' autonomy.
- To suggests recommendations for strengthening both the Centre and States with acceptance of only genuine demands of States ' autonomy i.e. balancing regional interests without compromising against national interest.

## RESEARCH HYPOTHESIS



Despite successful working of the Constitution of India last 75 years the Indian Constitution can be further improved to enhance centre-state relations by providing clearer guidelines in the Constitution of India for the distribution of powers, strengthen financial autonomy for States and establish more effective mechanisms for resolving conflicts between the centre and States for a more balanced and equitable federal system.

## RESEARCH METHODOLOGY



The research will be carried on through the doctrinal research by following the various approaches in it :

i. Historical Approach
ii. Textual Analysis
iii. Normative Approach
iv. Doctrinal Synthesis

The primary sources of study will be legislation , case laws, constitutional provisions and latest legal news reports. The secondary sources of study will be legal commentaries, textbooks, journal articles, and law reports that provide context and interpretation of the primary sources.

## LITERATURE REVIEW



**Gautam Bhatia (2025 & 2023 )[1]:** In this book, the researcher probes Part I of the Constitution i.e. "The Union and Its Territory" as foundation to the "centralizing tilt". The author argues that Articles 1 to 4 give the Union Parliament sweeping powers to form, merge, alter, or rename States and union territories. There is minimal procedural checks or genuine state consent in this regard. He claims that these provisions are not neutral technicalitie. They are active levers enabling central overreach. This is visible in the recent re-organisations e.g. Jammu & Kashmir in 2023[2]. In the view of author the limitation lies in the imbalance. The Constitution embeds dominance of Union structurally. This makes the federal resistance of States difficult. The author suggests reforms such as strengthening requirements of States ' consultation, instituting clearer constitutional limits to Parliament's power over state boundaries, and enhancing judicial oversight of such changes made by the Parliament of India.

**(Romila Thapar, N. Ram, Gautam Bhatia & Gautam Patel, Aleph, 2021)[3]:** The authors offer a subtle study of Part II of the Constitution and the evolving meaning of Indian citizenship. In the chapter "Citizenship and the Constitution" Bhatia examines how the framers rejected religious or ethnic criteria in determining citizenship. Despite contestations of the partition, Article 11 grants of power to Parliament regarding granting of citizenship within constitutional commitments to secularism and equality. The study has raised a limitation i.e. ambiguity left in procedural safeguards like proof burden, transparency, inclusivity. This is more prominent in light of recent laws like Citizenship Amendment Act 2019. The book suggests solutions in form of enhanced legal clarity and stronger judicial oversight.

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[1] Gautam Bhatia, *The Indian Constitution: A Conversation with Power* 300 pp. (1st ed. HarperCollins India 2025)
[2] Gautam Bhatia, *Unsealed Covers: A Decade of the Constitution, the Courts and the State* 496 pp. (1st ed. HarperCollins India 2023).
[3] Romila Thapar, N. Ram, Gautam Bhatia & Gautam Patel, *On Citizenship* (Aleph Book Company 2021)

**Dr. Rajput Shraddha Bhausingh and Akshit Dwivedi (2025)[4] :** In this bood the authors offer a deep research. The book is an up-to-date account of Part III Articles 12 to 35 of the Constitution of India. They combine doctrinal analysis, landmark judgments, and conceptual clarity to expose both strengths and limitations of rights regime in India. A key limitation has been identified in form of judicial delay and uneven access. The authors bring forth the fact that in theory every citizen has enforceable rights but in practice marginalized communities often lack the resources or ability to navigate legal mechanisms. An ambiguity remains in the scope of term "reasonable restrictions,". This term leads to variable interpretations. The solutions suggested by authors include simplifying access to legal remedy, strengthening public interest litigation, and clear legislative guidelines for restrictions defined in the Constitution of India.

**Yazurva Upadhyay *(2025)[5]*** *:* In this book, the author assesses how policy landscape of India has translated the Directive Principles of State Policy into action. The author argues that though Directive Principles of State Policy from Articles 36 to 51 offer a vision of social welfare, equality, and justice, the non-justifiability but vague legislative mandates have led to partial fulfillment of these socio-economic promises. The key limitations to Directive Principles of State Policy include uneven state-capacity, fiscal constraints, and lack of accountability in reporting progress of these principles. The author suggests various solutions for their enforceability like (1) statutory measures for mandatory state reporting (2) clearer legislative frameworks to operationalize specific directives e.g. uniform civil code, environment, legal aid (3) stronger constitutional or institutional monitoring to ensure consistency across States in implementation of such principles.

[4] Shraddha Bhausingh Rajput & Akshit Dwivedi, *Decoding the Fundamental Rights: A Guide to Understanding the Core Principles* (1st ed. 2025)

[5] Yazurva Upadhyay, *Directive Principles of State Policy: Evaluating Implementation in the Context of Recent Social and Economic Reforms*, Vol. II, Issue 9 *Indian Journal for Research in Law and Management* (Aug. 30, 2025)

**Gautam Mukhopadhyay & Kaberi Mukherjee, Setu Prakashani ( 2023)[6]** : The authors examine Part IV-A of the Indian Constitution. They locate the Fundamental Duties within broader constitutional values like constitutionalism, rule of law, and separation of powers. The authors praise the inclusion of Fundamental Duties for cultivating a sense of civic responsibility and national unity. However, they note many a limitations in these duties like (1) these duties are non-justifiable, it means that there is no enforceable legal sanction for such duties. (2) the language of some of the duties is vague like to strive towards excellence. (3) there is omission of certain obligations of citizen like payment of taxes or mandatory votin. The authors suggest clearer legislative enactments to operationalize these duties. The authors also suggest that there is need of public education campaigns to promote awareness of these duties. There is also need of constitutional clarifications to reduce vagueness in interpreting such duties.

**Louise Tillin (2024)[7] :** This article delves into the centralization of the Union Executive in India The author examines the evolving dynamics of Indian federalism. He particularly focuses on the period post-2014.This period is marked by a dominant party system. The article argues that this shift has led to a phase of increased centralization. This centralization has affected the balance of power between the Union and the States . The author highlights how this centralization has implications for the autonomy of state governments and the overall federal structure of India.

**Rohit De & Ornit Shani ( 2024 )[8] :** This article offers a paradigm shift in understanding the process of making of the Constitution of India. It provides a comprehensive analysis of the constitutional provisions related to governance

[6] Gautam Mukhopadhyay & Kaberi Mukherjee, *Constitutional Values and Fundamental Duties* (Setu Prakashani, first ed. Oct. 2023) 64 pp. ISBN 978-81-965816-4-0

[7] Louise Tillin, *Reimagining Indian Federalism*, VerfBlog (Apr. 7, 2024),

[8] Rohit De & Ornit Shani, *Assembling India's Constitution: A New Democratic History* 371 pp. (Cambridge Univ. Press 2025)

of state, including the executive, legislature, and judiciary at the state level in India. The article examines how the provisions of division of power among the organs of the government at state level have evolved. This evolution has substantially impacted federalism in India. The work is highly significant and relevant for scholars interested in the historical and contemporary dynamics of state governance under the Indian Constitution.

## ORGANIZATION OF THESIS

## ADD A TOPIC EACH FOR INTRODUCTION AND CONCLUSION MERGE TOPIC 1 AND 3



## CHAPTER-1: DESIGNING AUTONOMY FOR THE 21ST-CENTURY STATES OF INDIA

This chapter argues that the original constitutional design of Indian federalism, which envisioned a strong centre for national integrity, has gradually tilted towards a disproportionately centralized union. This tilt at the cost of state autonomy., There is an urgent need to re-engineer and redesign the framework of autonomy for States within the Constitution in light of recent political, economic, and social developments. This redesign is not about weakening the Union. It is about strengthening the Union by fostering cooperative, competitive, and collaborative federalism. It ensures India's governance structure is fit for the complex challenges of the 21st century.

### 1. Introduction: The Evolving Federal Compact

The chapter will be focused upon establishing the foundational principle of the Indian Constitution. It establishes a "Union of States " under Article 1 of the Constitution of India. It aims at a structure that is federal in nature but with a unshakable unitary bias. This design was pragmatic in lieu of the Partition era. However, over seven decades, the operational reality of federalism has dynamically shifted. The chapter will deal with various constitutional developments of the 21st century marked by (1) single-party majorities at the centre (2) regional aspirations (3) new governance challenges. All these developments demand a critical re-examination of the autonomy granted to States .

### 2. The Constitutional Architecture of Autonomy: A Double-Edged Sword

This part will deconstruct the constitutional provisions that define state-centre relations. It will highlight their inherent tension:

- Legislative Relations (Articles 245-255): The analysis will focus on the Union, State, and Concurrent Lists (Seventh Schedule). The preeminence of the Union List and the overriding power of Parliament on the Concurrent List (Article 254) will be examined as primary tools of centralization. The chapter will discuss the expansive use of the residuary powers (Article 248) and the misuse of power to legislate on state matters in the national interest (Article 249).

- Administrative Relations (Articles 256-263): The focus will be on the instrumentality of the All-India Services (Article 312). These services while ensuring administrative cohesion, can also be a mechanism for central oversight over state subjects. The power of the Centre to issue directions to States (Articles 256, 257) will be critically analyzed.

- Financial Relations (Articles 268-293): This is a crucial area of Centre-State relations. The chapter will analyze the dependency of States on central transfers facilitated by institutions like the Finance Commission and the NITI Aayog. The impact of the Goods and Services Tax (GST) will be a key case study. A seminal reform that simultaneously exemplifies cooperative federalism and creates a new form of fiscal centralization through the GST Council will be the centre of focus here.

**3. The Imperative for Redesign: Catalysts in Recent Developments**

The core of this part of chapter will be to lay out the contemporary stimulus necessitating a redesign of autonomy.

- Political Centralization: The trend of a single party dominating both the centre and a majority of States has often led to a homogenization of policy . This has also led to a diminution of the voice of States led by opposition. This is in contrast to the era of robust coalition governments where States had significant bargaining power.

- The Instrumental Use of Central Agencies: The perceived misuse of agencies like the Enforcement Directorate (ED), Central Bureau of Investigation (CBI), and Income Tax Department against political opponents in States is viewed as a serious erosion of the federal spirit. These agencies are seen as the direct encroachment upon the autonomy of state governments.

- Fiscal Strains and Asymmetrical Development: The States often face resource crunches despite recommendations of successive Finance Commissions in the favour of States . The States argue for a greater share of central revenues and more freedom to raise their own resources. The chapter will discuss issues like the alleged misuse of the Centrally Sponsored Schemes (CSS). Under these schemes, the Centre Government dictate priorities of state through conditional funding.

- Emergence of Strong Regional Identities: In third decade of 21st century , the States are no longer passive administrative units now . There are active arenas of robust regional identities and political aspirations for example Tamil Nadu, West Bengal, Kerala, Telangana etc. A one-size-fits-all policy from New Delhi is being increasingly seen as incompatible with India's linguistic, cultural, and developmental diversity.

- New Age Challenges: Issues like climate change, water disputes, public health crises like COVID-19 and cyber security require a governance model. This model empowers States as first responders while ensuring national coordination from bottom up approach instead of top-down control.

**4. Reimagining Autonomy: Proposals for a 21st-Century Framework**

This section of the chapter will move beyond critique to propose a constructive framework for redesigning autonomy within the constitutional structure.

- Strengthening Intergovernmental Institutions: A more empowered, statutory, and permanent Inter-State Council (Article 263) should be there. This will serve as a genuine forum for dialogue and dispute resolution, rather than a dormant constitutional body.
- Fiscal Federalism 2.0: This kind of federalism include:
    - A clearer and more predictable formula for tax devolution by the Finance Commission.
    - Granting States greater autonomy to levy taxes in sectors untouched by GST.
    - Reforming the GST Council to move beyond a simple majority vote to a system where system protects the interests of smaller or dissenting States .
- Administrative Decentralization: There is need of re-evaluation of the role of Governors. It is to be ensured they act as impartial constitutional heads rather than agents of the centre like , sitting on bills, using discretionary powers. There is need to empower local bodies to strengthen the third tier of government, as envisaged in the 73rd and 74th Amendments Act.
- Legislative Respect: There is need for a convention where the centre exercises greater restraint in using its power to override state laws on the Concurrent List. There is need to respect the legislative mandate of state assemblies.
- Asymmetric Federalism Revisited: There is urgency to find the need to formalize and learn from the unique autonomy arrangements granted to States like Jammu & Kashmir (pre-2019), Nagaland, and Assam under Article 37. There should be through assessment of their applicability in

addressing specific regional demands within the constitutional framework.



**5. Conclusion: For a Union, More Perfect**

The chapter will conclude by asserting that a reassessment of state autonomy is not a threat to national unity but it is an essential requirement. A confident Union should empower confident States . The constitutional design must evolve from a "holding-together" federalism to a "holding-together-strongly" federalism. Designing autonomy for the 21st century is about creating a flexible, responsive, and resilient structure. In this structure, the Union and the States are mutually reinforcing pillars of a vibrant Indian democracy. They are capable of meeting the aspirations of its diverse people. This chapter will set the stage for subsequent empirical analysis and detailed legal-constitutional recommendations in the thesis.

## CHAPTER-2- TOWARDS A PROACTIVE STRATEGY: INSTITUTIONAL REFORMS AND PRACTICES TO PRE-EMPT NATIONAL SECURITY THREATS WITHIN AUTONOMOUS REGIMES



This chapter argues that the conventional binary framework, which pits state autonomy against national security, is totally counterproductive. It proposes that a strong, cooperative federal structure is not a liability against national security. It is a critical asset for comprehensive national security. The chapter proposes a shift from a reactive, centralised command andcontrol model to a proactive strategy that empowers state governments as first responders and partners in security. This involves creating constitutionally sound institutions and practices that seamlessly integrate the Union's responsibility for national security (Entry 2, List I) with the States ' primary responsibility for "public order" and "police" (Entry 1 & 2, List II). This step will thereby pre-empt threats before they escalate into full-blown crises.

**1. Introduction: Reconciling the Security-Autonomy Dichotomy**

The chapter will begin by identifying the central-state tensions in Indian federalism. The Constitution places national security completely within the domain of the Union Parliament. At the same time the tools for its execution on the ground i.e. law and order and police are exclusively with the States under Seventh Schedule of the Constitution of India. This division is logical but it has often led to a trust deficit, operational inefficiencies, and political friction/. These issues emerge more in regions with unique security challenges. The developments ranging from terrorism and insurgency to cyber threats and inter-state crime demonstrate that a compartmentalized approach is inadequate. The chapter will introduce the need for a proactive, institutionalized framework that transforms States from passive implementers to active partners in planning and executing national security policy.

## 2. The Fault Lines: How the Current Framework Fosters Vulnerability

This section will diagnose the weaknesses in the current system. These weaknesses will argue for proactive reforms which must address:



- Intelligence Silos: Due to lack of real-time, institutionalized intelligence sharing between central agencies (IB, RAW) and state police forces, there is existence of operational gaps. Intelligence is often perceived as a one-way street, creating resentment and reducing its efficacy at state level in India.

- Capacity Asymmetry: The state police forces are the first responders to most security incidents. They lack the specialized training, modern equipment, and cyber capabilities to handle sophisticated threats of national security. The Central Armed Police Forces (CAPFs) are deployed reactively. They are usually deployed in a political context, rather than being integrated proactively.

- The Political Blame Game: The security failures are frequently used as political ammunition between the Centre and opposition-ruled States . This erodes trust and prevents honest post-mortems and systemic improvements to the threats of national security. The invocation of Central laws like AFSPA or UAPA can become points of contention rather than coordination among the federal units in India.

- Jurisdictional Conflicts: The complex, multi-jurisdictional crimes for example cyber-terrorism, inter-state narcotics trade get bogged down in conflicts of jurisdiction between central and state agencies. These conflicts delay investigation and action in this regard.

## 3. Pillars of a Proactive Strategy: Institutional Reforms for Integrated Security

This is the core of the chapter, outlining concrete, constitutionally feasible institutional reforms.

- 1. Establishing a Permanent, Empowered Inter-State Security Council (ISSC):
    - Reform: There must be mandate the creation of a permanent ISSC-Inter-State Security Council under Article 263 (which provides for inter-state councils), dedicated specifically to security coordination.
    - Composition: The council must be chaired by the Union Home Minister, with rotating Chief Ministers. The States facing specific security threats must be given preference in the rotation. The security experts must work as members.
    - Function: The council must serve as a continuous forum for collaborative threat assessment, policy formulation, and resource planning. It would pre-empt conflicts resolution by ensuring States have a voice in national security policies. The threats that affect them directly must be allowed to be taken on pro-active basis in such council.
- 2. Creating Institutionalized Intelligence Fusion Centres:
    - Reform: This is a move beyond ad-hoc coordination to establish secure, multi-agency centres (MACs) at the regional and state levels.
    - Mechanism: These centres would physically co-locate representatives from the Intelligence Bureau (IB), state police intelligence wings, CAPF commanders, and cyber experts. They would operate on a principle of "need-to-share" rather than "need-to-know," . They will follow protocols for real-time data exchange.
    - Pre-emptive Effect: The council would break down intelligence compartmentalization. It will ensure that actionable intelligence

reaches the boots on the ground instantly. This will foster personal relationships and trust between agencies.

- 3. The National Security Integration Scheme (NSIS):



    - Reform: It will be a centrally funded but state-implemented scheme to build specialized counter-terrorism and cyber capabilities within state police forces.
    - Mechanism: The scheme will be modeled on the successful Modernisation of Police Forces (MPF) scheme . The scheme must be with a sharper focus on creating dedicated, highly trained units within every state police (like the Maharashtra Force One). The Centre will provides funding, standardized training through central academies, and cutting-edge equipment. The States will manage operational control and ensure local knowledge is leveraged.
    - Pre-emptive Effect: It will build robust capacity at the point of the initial threat, enabling a swift and effective local response. The reforms can contain a situation before it is escalated. This will reduce the need for reactive central imposition.

4. Codifying Protocols for Central Intervention:

    - Reform: The protocols will develop a clear, publicly available legal and operational framework that outlines the precise triggers and procedures for the deployment of central agencies or armed forces (under Article 355) in a state.
    - Mechanism: This framework will be developed in consultation with the ISSC, would define thresholds based on objective criteria (e.g., scale of violence, failure of local capacity). It would mandate consultation with the state government unless in cases of extreme, immediate emergency.

- Pre-emptive Effect: It will depoliticize central intervention and remove ambiguity in operations. It will prevent the perception of such actions as a political tool against an opposition government. It will create predictability and trust.



**4. Conclusion: Autonomy as the Bedrock of Security**

The chapter will conclude by arguing that national security in a diverse, federal nation like India cannot be enforced solely from Central Authority. It must be collaboratively built in every state capital. A proactive strategy of institutional reform strengthens both autonomy and security. It brings empowerment, integration, and shared responsibility. By treating state governments as legitimate partners, the Union government can tap into their local knowledge and operational reach. This will create a security web that is far more resilient and intelligent than existing structure. This approach moves the discourse beyond the archaic autonomy-versus-security binary. This will help the movements towards a modern, sophisticated model of collaborative security federalism. This structure will be fit to counter the complex threats of the 21st century. This is not just a strategic necessity but a constitutional necessity for ensuring a more perfect Union.

## CHAPTER 3: AUTONOMY UNDER DEBATE: COMPETING PERSPECTIVES AND DISCOURSES IN INDIAN FEDERALISM

### 1. Introduction



This chapter argues that "state autonomy" in India is not a fixed legal concept, It is a political discourse in ongoing contestation. The Two major narratives shape how autonomy is invoked. The Unionist view includes integrity, uniformity, central strength. The States ' rights view includes diversity, subsidiarity, decentralization. A third narrative of *asymmetric or differentiated autonomy* is also there. The struggle over state autonomy is central to Indian federalism if we map these discourses. The term "autonomy" is taking different meanings depending on actor, ideology, region, and political milieu.

Indian federalism has been an ongoing negotiation rather than a settled constitutional outcome . "Autonomy" is philosophically subjective in nature. For one actor it might mean cultural self-rule and for another fiscal independence and yet for another administrative control. Legal rights, constitutional clauses, historical practices, ideology of political party, and regional identity all are basis of "autonomy". The autonomy of States seems in danger in the light of centralizing moves (1) financial central oversight (2) misuse of position of Governors (3) the control disputes related to National Capital Territory (4) abrogation of special status in Jammu & Kashmir. These moves have not ended the debate.

### 2. Discourse I: The Unionist Narrative – "Cooperative & Unitary Federalism"

This narrative sees the Constitution as intentionally giving strong powers to the centre. The constitutional text under Article 1 States India a "Union of States ". The provisions related to emergency, the residuary powers, the Concurrent List powers, the role of Governors in Indian States all are cited as examples showing tilt toward centre. The justifications for such arrangement includes national security, integrity of country and efficiency of administration.

Recent manifestations in this regard include:

- The abrogation of Article 370 for Jammu & Kashmir. This abrogation removed its special autonomous status.



- The decision of the Supreme Court of India affirming central powers like statements by the Chief Justice of India that India needs one Constitution to preserve unity.
- The rise of rhetoric around "uniformity" i.e. one nation, one law, one constitution.

**3. Discourse II: The States ' Rights Narrative – "Pluralist & Collaborative Federalism"**

This narrative of States ' Rights focuses on decentralization, local identity, and constitutional federalism: the Seventh Schedule (three lists), separate state powers, judicial checks, implied limits on central encroachment**.**

**Empirical/legal instances:**

- The Supreme Court in *State of Tamil Nadu v. Governor of Tamil Nadu* (2025) held that Governors cannot use absolute or "pocket" vetoes over bills from state legislatures. This is seen as a restoration of state legislative autonomy against interference of union.
- The States ' increasing debt, limited revenue sources, dependence on central grants, accusations of "coercive federalism" by opposition parties, especially in context of Centrally Sponsored Schemes and cess/levy regimes are concerns of fiscal autonomy.

**4. Discourse III: Asymmetric Federalism**

Some actors argue that uniform federalism fails when regional histories, cultural contexts, or identity demands different kind of federalism.

- The special provisions Article 371 for various States like Nagaland, Assam, provides Constitutional Justification for Asymmetric Federalism.
- The abrogation of Article 370 itself interrupts a long-running asymmetric autonomy arrangement in national interest. The Supreme Court in its 2023 judgment upheld the Centre's power to abrogate.
- There is renewed demands in the Northeast and tribal areas for enhanced rights under the Sixth Schedule, or for identity-based devolution.

**5. The Battlefield: Sites of Clash**

The narratives clashes in institutions and legal arenas:

- The Supreme Court's judgments on Governor's role, Article 370, Delhi vs. Centre conflicts are good examples of such clashed. Ther procedural checks of the Supreme Court over the misuse of discretion of the Centre Government.
- Office of the Governor is often the flashpoint for centre versus state tensions over legislation, assent, and reservation of bills to President.
- The councils of fiscal bodies like the GST Council, Finance Commission etc., where States seek more say over revenue distribution and policy design.
- The central schemes, laws that impinge on state lists or administrative control while implementing them.

**6. Conclusion: Autonomy as Dynamic Equilibrium**

Rather than seeing autonomy as "achieved" or "lost," the chapter concludes that autonomy must be understood because it is continually negotiated. The constitutional framework presumes tension. It allows both means for centralizing control and protections for prerogatives of States . The core insight

is that these competing discourses of uniformity vs diversity, unity vs plurality are not failures but features of Indian federalism. To manage them we require robust institutions political culture of cooperation, and sensitivity to regional identity. The future of Indian federalism depends not on ending the tension, but sustaining a dialogue among these discourses. Only then autonomy remains meaningful yet the Union remains cohesive.

## CHAPTER 4 : PUNJAB AS A CASE STUDY: HISTORICAL, POLITICAL AND CULTURAL IMPERATIVES FOR AUTONOMY

This chapter argues that Punjab's demand for autonomy is deeply rooted and embedded in history, political experience, and culture. The recent centralizing trends have magnified longstanding feelings of alienation in the State of Punjab. To recognize autonomy for Punjab is not just a political nicety, but constitutionally necessary for integrating a distinct sub-national identity into a plural yet cosmopolitan Indian Union.

### 1. Introduction: Punjab's Distinctiveness

The claim of autonomy of  claim goes beyond economic or resource grievances. It is about identity, historical trauma, and a continuous negotiation with centralized power. Its cultural, religious, and linguistic identity, together with specific historical events, has shaped demands for autonomy that are normative rather than merely negotiable. Understanding of Punjab is essential to understanding broader federal tensions in India.

### 2. The Historical Imperative

- **The legacy of Partition:** The Partition of 1947  split the Punjabi homeland, causing immense dislocation, loss, and communal trauma. The state has seeded persistent sensitivity to central power. The questions of fairness, identity, and belonging have always being raised.
- **Punjabi Suba Movement & Reorganization (1966):** The Punjabi Suba movement pressed for a Punjabi-speaking state. Its succeeded via the Punjab Reorganisation Act 1966. This set a precedent i.e. a linguistic identity can win constitutional recognition. Even after the Suba movement some grievances remained unattended  like Chandigarh's shared status, river water sharing, and administrative control remain unresolved.

- **The Paradox of Green Revolution in Punjab:** The Punjab became India's breadbasket under Green Revolution. It yielded huge gains in wheat and rice production and agricultural infrastructure. This success also deepened dependence on policies of central procurement, MSP (Minimum Support Price), and channels of control. The degradation of environmental degradation, decline of water table, and mono-cropping have produced ecological crisis and economic inequalities for the state.

- **Militancy & Aftermath:** The episodes of militancy in the 1980s, Operation Blue Star, and the anti-Sikh riots of 1984 are not anomalies but huge ruptures in the relationship between Centre and Punjab. These events have left a durable legacy of distrust, reinforcing the demands for constitutional safeguards and autonomy for the state of Punjab.

**3. The Political Imperative: Anandpur Sahib Resolution**

- **What It Demanded:** It was adopted in 1973 by the Shiromani Akali Dal,. The Anandpur Sahib Resolution called for substantial devolution of power i.e. (1) restricting the Union to defence, currency, communications, foreign affairs (2) shifting of many powers presently in the Concurrent List or held by the Centre to States . (3) It also asserted Sikh identity, claimed recognition of Sikhism as distinct in some respects, and emphasized States s powers over rivers, taxation, and administration.

- **Constitutional Dialogue:** The Resolution engages with the Constitution's structure especially the Seventh Schedule. It is argued that many of the powers of state have been eroded. It is a radical reimagining of what federalism could mean i.e. stronger state legislative, fiscal, and administrative autonomy.

- **Mainstreaming:** The agreement was never fully implemented, the spirit of the Resolution has guided Punjabi politics broadly across all te

parties. Through demands for better MSP implementation, water rights, protection of cultural and linguistic rights, and control over religious and local institutions the mainstreaming of Punjabi Suba is still continuing.



**4. Cultural Imperative**

- **Language as Identity:** Punjabi language remains a potent marker of identity. From the Suba movement paved way for promotion and preservation of Punjabi in education, administration, and culture have been central demands. Homogenizing pressures are seen as threats to Punjabi identity.
- **Religious Institutions:** The bodies like the SGPC i.e. Shiromani Gurdwara Parbandhak Committee have both religious and institutional legitimacy in Punjab. The autonomy over management of Gurdwaras and religious affairs is deeply linked to broader political autonomy.
- **Societal Memory and Identity:** The Sikh history, agrarian caste identities especially Jatt farmers, the diaspora, festivals, literature all contribute to a sense that Punjab is not just another state, but a site with specific identity claims that require institutional accommodation on the part of the Centre Government.

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**5. Conclusion: Autonomy as Integration, Not Separation**

Punjab's autonomy demands are not stepping stones to secession. They are demands for dignity, fairness, and constitutional balance. They are demands for recognizing autonomy fiscal, administrative, cultural via asymmetric constitutional provisions , stronger state control over agriculture, water, culture, language, and administrative safeguards will enhance rather than weakening the Union.

The recent centralizing policies risk exacerbating alienation even unintentionally. A federal India that respects Punjab's history, culture, and political agency will be more stable and consensual. The autonomy in Punjab should thus be seen as a constitutional necessity for full, willing, and plural integration. It is not a concession but the keystone of a Union strong in its diversity.

## CHAPTER FIVE: FRAMEWORKS FOR COOPERATIVE AUTONOMY: STRENGTHENING CENTRE-STATE RELATIONS WITH SAFEGUARDS



### 1. Introduction

This chapter explores the necessity of state autonomy in India as centralization intensifies. The chapter argues that state autonomy is essential for democratic legitimacy, regional equity, and efficient governance. There must be robust constitutional and institutional safeguards in this regard. The recent judicial and fiscal developments have exposed growing tensions, inefficiencies, and popular discontent, showing that cooperative autonomy is no longer merely desirable but necessary democratic legitimacy.

### 2. Theoretical Foundations & Concepts

- **Federalism vs. Unitarism**: The autonomy of State entails legislative, administrative, and financial independence. The currents of centralization push toward unitary or quasi-unitary practices where States are constrained in their decision-making.
- **Cooperative Autonomy**: A relational model is needed where the Centre and States work in partnership rather than in antagonism.This utopia is possible through dialogue, mutual respect, and clearly delineated domains.
- **Safeguards**: The safeguards include constitutional protections, institutional bodies, procedural tools, and fiscal guarantees.

### 3. Recent Developments Underscoring the Need for Autonomy

#### 3.1 **Judicial Affirmation of State Rights**

- *In State of Punjab v. Davinder Singh* (2024) a seven-judge Constitution Bench held by a 6-1 majority that States may sub-classify Scheduled Castes/Scheduled Tribes for reservation purposes. This enables more fine-grained affirmative action for the most disadvantaged among them.

This recognizes state power to tailor reservation policy in line with local social-economic realities.

- In the case of *State of Tamil Nadu v. Governor of Tamil Nadu* (2025): The Supreme Court ruled that a Governor cannot exercise an absolute or pocket veto over bills passed by a State legislature. Undue delays in granting assent or reserving re-passed bills for the President without following due process



### 3.2 **Political / Institutional Moves**

- States like Tamil Nadu have formed high-level committees in 2025 to explore reclaiming powers shifted from the State List to the Concurrent List. They asserted need to strengthen autonomy. This reflects political demand, though jurisprudential and statutory change is still required.

### 3.3 **Fiscal and Structural Shifts**

- The GST Council remains an example of cooperative federalism in revenue policy. At the same time several States argue that compensation, decision-making, and scheme design still reflect central dominance.
- The conditional grants and Centrally Sponsored Schemes continue to limit state discretion. This undue influence is exercised by the Centre even when States are supposed to receive larger shares of divisible revenue.

### 3.4 **Administrative Control & Gubernatorial Powers**

- The *Tamil Nadu v. Governor* case sets limits on Governors' power under Article 200. It rejected indefinite withholding of assent in form of pocket veto.

- Service matters: Sporadic federal intrusions in state bureaucracies like transfers of IAS officers, central deputations further reduce meaningful administrative autonomy.



## 4. Limitations in Current Centre-State Relations

- **Ambiguity in Constitutional Powers**: There are overlaps between State and Concurrent Lists, unclear wording like public order leave space for central encroachment.
- **Dependence on Central Transfers**: Many States remain tied to central funding with strings attached; The true financial autonomy remains weak.
- **Political Instrumentalization**: The Governors, reservation of state bills, misuse of constitutional provisions sometimes used for partisan ends rather than constitutional necessity.
- **Implementation Gaps**: Even after favorable judgments, delay or lack of enforcement of judgment undermines autonomy.
- **Capacity Differences**: Legally empowered States may lack administrative or institutional capacity to exercise autonomy effectively.
- **Weak Procedural Safeguards**: Procedural requirements like consultation and timelines are often either absent or poorly enforced.

## 5. Frameworks for Cooperative Autonomy with Safeguards

### 5.1 **Constitutional & Legal Reforms**

- There is need to clarify and possibly shift certain overlapping Concurrent List subjects back to State List. They define ambiguous subjects precisely.
- They introduce mandatory consultation clauses for legislation in concurrent matters or for altering state powers.

### 5.2 **Judicial & Constitutional Oversight**

- The courts should issue binding guidelines to prevent central encroachment.
- There is need to reinforce basic structure doctrine so that state autonomy becomes part of inviolable constitutional features.

### 5.3 **Institutional Mechanisms**

- There is need to strengthen Inter-State Councils. There is need to set up State-Centre Review Commissions to monitor encroachment and resolve disputes.
- There is need to ensure States have strong representation in national decision-making bodies affecting their powers.

### 5.4 **Fiscal Autonomy & Decentralization**

- There is need to increase States ' share in central revenues and to reduce over-reliance on conditional grants.
- There should be grant of greater own-taxing powers This will make transfers more formulaic and predictable.
- There is need to empower States to set policy priorities, especially in schemes that affect local concerns.

### 5.5 **Administrative Safeguards**

- There should be reform in Governor's powers to limit or set clear timelines for assent, require reasons for withholding/reserving bills.
- The limit will establish central control over state bureaucracies and deputation of services.

### 5.6 **Engagement and Public Participation**

- There should be more civil society involvement, public hearings, local consultations.
- There should be transparent reporting of state performance, audits, legislative oversight.



**6. Challenges & Trade-Offs**

- To balance national unity, security, macroeconomic policy with decentralization imperatives.
- To avoid destructive inter-state competition or fragmentation.
- To ensure equity among States : weaker States may lag behind without compensatory support.
- Political resistance from those who are currently benefitting from centralization.

**7. Conclusion**

The recent Indian legal and political developments show that autonomous powers for States are not abstract ideals but urgent necessities. The Cooperative autonomy with constitutional clarity, robust judicial oversight, empowered institutions, fiscal fairness, and administrative safeguards offers a pathway to a more legitimate, effective, and stable federal India. The proposals outlined are demanding but plausible. Their enactment would reinforce democracy, equity, and trust across the Union.

## EXPECTED OUTCOMES

1. **Mapping of Constitutional Gaps and Strengths**

    - A detailed identification of existing constitutional and statutory provisions that support state autonomy, especially with regard to Punjab. Clear documentation of how recent Supreme Court judgments such as the Punjab Governor pending bills and session validity case have affirmed or clarified state powers.

2. **Framework for State-Centric Autonomy Safeguards**

    - A robust set of legal, procedural, institutional, and fiscal reforms that would make constitutional provisions more compatible with and responsive to the needs of state autonomy in a plural polity.

    - Proposals could include clearer timelines for delayed assent, mandatory consultation clauses, define ambiguous powers, enhanced judicial review, fiscal independence etc.

3. **Normative Case for Asymmetric and Cooperative Federalism**

    - An argument showing that a one-size-fits-all model of federalism is inadequate for India, using Punjab as a clear example.

    - A demonstration that accommodating differentiated autonomy respecting regional identities, culture, language, history strengthens legitimacy, social cohesion, trust in governance.

4. **Policy Recommendations Specific to Punjab**

    - Concrete recommendations tailored to Punjab like limiting the Governor's discretion in withholding assent, empowering the state legislature's role; stronger mechanisms for state control over agriculture, water resources, language, cultural institutions.

- Perhaps suggestion for a "special constitutional provision" or modification related Article 371 for Punjab, or extension or re-interpretation of existing special or transitional provisions.



5. **Legal and Judicial Impact**

   - The thesis could produce usable legal arguments or positions that can be deployed in litigation or public policy, especially in courts or commissions, to secure more state autonomy for Punjab.

   - This might influence how future court decisions interpret constitutional provisions affecting state powers, especially Governor's powers and state legislative bills.

6. **Democratic and Governance Improvements**

   - The evidence or theoretical expectation that greater autonomy will lead to better governance outcomes in Punjab—more responsive institutions, better local policy innovation, more effective administration.

   - There will be reduction in friction between Centre and State, fewer delays or blockages in legislation, more trust among citizens in state institutions.

7. **Contribution to Federal Theory and Comparative Study**

   - The research will contribute to constitutional theory in India, adding empirical aspects about how constitutional autonomy can be made compatible with a strong union.

   - Many comparative insights may emerge, helpful for scholars or policymakers interested in other federal polities both in India and across the world.

8. **Avoidance of Alienation, Promotion of Stability**

- On a social-political level, improved autonomy could help allay feelings of alienation in Punjab arising from historical grievances, central overreach, contributing to peace, political stability, and better Centre-State relations.

## RESEARCH GAPS

1. **Lack of Punjab-specific Empirical Legal Studies**
   While there is considerable scholarship on India's federalism or Centre-State relations especially in the sphere of fiscal autonomy. Yet there are comparatively fewer works deeply examine how constitutional provisions are interpreted and enforced *in Punjab*. There is a gap in case studies from Punjab showing how particular constitutional or judicial provisions have succeeded or failed in practice.

2. **Sparse Quantitative/Comparative Data**
   Much existing work is doctrinal, normative, or qualitative. There is relatively little quantitative data comparing how constitutional autonomy features (e.g., use of state legislative powers, gubernatorial actions, financial devolution) vary across years in Punjab. Similarly, there is limited comparative work between Punjab and other States with similar identity claims or autonomy demands (e.g. in Northeast, Tamil Nadu).

3. **Limited Longitudinal Studies**

   Few studies track over time how constitutional provisions (or their judicial interpretation) have shifted in real effect in Punjab. For example, how rulings on Governor's powers or legislative assent play out over decades. The dynamic evolution—legal, political, institutional—in Punjab's relationship with the Centre lacks a detailed historical legal narrative beyond major events.

4. **Procedural Implementation & Enforcement Gaps**
   There is insufficient study of the "implementation gap". Even where constitutional or judicial protections exist, how often are these enforced? How are procedural safeguards (like consultation clauses, timelines)

actually observed? This requires fieldwork, interviews, archival study, etc., which appears under-represented.



5. **Cultural, Identity, and Non-Legal Dimensions Understudied** Many works focus on legal texts, fiscal/institutional mechanics. The cultural, religious, linguistic identity concerns (e.g. SGPC affairs, Punjabi language policies) are less frequently linked directly to constitutional doctrine in scholarly legal work. The normative significance of identity claims and how they can be constitutionally accommodated needs deeper exploration.

6. **Political Dynamics and Non-State Actors** There is less literature on how political parties in Punjab or civil society, religious institutions interpret or mobilize constitutional provisions. Also, how public opinion or the media shapes constitutional norms in Punjab's autonomy claims seems under-researched.

7. **Policy / Reform Proposals with Feasibility Analysis** Although many studies propose reforms like greater fiscal devolution, limits on gubernatorial discretion, fewer works closely analyze the political feasibility, trade-offs, costs, and unintended consequences of such reforms in the Punjab context.

## RESEARCH LIMITATIONS



**1. Over-dependence on Secondary Sources and Doctrinal Materials**

Any thesis of this kind may rely heavily on constitutional text, court judgments, statutory laws and less on primary empirical data from fieldwork, interviews, archival sources. This could limit insight into how constitutional provisions work in practice on the ground.

**2. Selection Bias and Generalizability**

Focusing on Punjab may limit generalizability to other States with different histories, capacities, identity claims. Findings that are valid for Punjab may not apply in States with weaker institutional capacity or different political trajectories.

**3. Temporal Limitations**

Many recent developments (judgments, political moves) may not have long-term record or impact yet, making it hard to assess sustainability of shifts. Also, legal reforms may be ongoing, so findings can become outdated as new case law or constitutional amendments emerge.

**4. Data Availability and Access Constraints**

Accessing detailed state government documents, records of gubernatorial decisions, legislative debates, or state-level financial data may be difficult. Some records may not be public, or may be fragmented.

**5. Complex Interactions Between Law and Politics**

Constitutional provisions do not operate in a vacuum. Political incentives, party politics, identity movements, public opinion, bureaucratic inertia all affect outcomes. It is difficult to isolate purely constitutional mechanisms from broader political and social forces.

**6. Comparative Controls Difficulties**

Comparing Punjab with other States or with past periods may run into problems because of varying baseline conditions (historical trauma,

demographic composition, institutional capacity). Controlling for all relevant variables is challenging.

**7. Normative vs. Empirical Tensions**



The thesis may need to balance normative proposals (what should be) with empirical evidence (what is). Where empirical data is weak, normative claims can seem speculative. Likewise, legal reforms proposed may be ideal but politically infeasible.

## SCOPE FOR RESEARCH IN FUTURE

1. **Comparative State Case Studies**

   To expand beyond Punjab to include States with similar or contrasting federal-autonomy issues like Tamil Nadu, Jammu & Kashmir, Northeastern States . The comparative studies can illuminate which constitutional provisions work in practice, under what political and institutional conditions, and how lessons from elsewhere could be adapted in Punjab.

2. **Longitudinal Quantitative Analyses of Fiscal Autonomy**

   The use of state-wise financial data over long time series like from Reserve Bank of India, Finance Commission reports to quantitatively measure trends in devolution, levels of central grants vs own revenue, dependency, debt-GSDP ratios for example, Punjab's debt-GSDP has been trending high recently. This can help map how constitutional and autonomous powers have eroded or strengthened in economic terms.

3. **Empirical Institutional Fieldwork**

   Fieldwork involving interviews with state legislators, bureaucrats, civil society leaders, religious institutions like SGPC in Punjab, and legal officials to understand how constitutional provisions and judicial decisions are experienced on the ground. Case observations of how Governor's assent or reservation of bills operates in practice are especially needed.

4. **Implementation and Enforcement Studies**

   Examine how judicial rulings affirming state rights like over reservation, bills, legislative competence are implemented. Where gaps exist between judgments and executive or administrative practice, what institutional or political obstacles cause them? Are procedural safeguards followed? What timelines are met or flouted?

5. **Constitutional Reform Feasibility & Political Economy**

   Research into how proposed constitutional or legal reforms like clearer

delineation of subject lists, stronger consultation/assent timelines, fiscal devolution, special constitutional provisions) might be politically feasible. This includes studying the political will, party incentives, the role of central parties, the role of state governments, public opinion, and perhaps constitutional amendment processes.

6. **Cultural/Identity Dimensions & Rights Claims**

   There is need of deeper study of how cultural, religious, linguistic identity claims of Punjab intersect with constitutional law. For example, examination of specific legal regimes governing religious institutions , language policies, cultural heritage protections. Also exploring how identity influences legal reform demands, constitutional interpretation, and state-citizen relationships.

7. **Comparative Constitutional Federalism**

   To bring in comparative insights from other federations (e.g. Canada, Australia, Germany, South Africa) especially those with asymmetric federalism, strong protections for sub national units, constitutional guarantees of state rights. There is need to understand institutional designs, judicial roles, fiscal arrangements, and how they might map into India's context.

8. **Data & Transparency Studies**

   The availability of study, reliability, transparency of constitutional-relevant government data in Punjab like financial transfers, Governor's actions, legislative oversight, state-centre agreements need to be studied. There is need to identify data deficits. This will help in forming what empirical studies can claim. This also includes archival work and digitization like leveraging resources like Punjab's digital library for historical constitutional materials.

9. **Impact Studies: Outcomes of Autonomy**

   There is need to assess how increased state autonomy where it has occurred affects governance outcomes like development indicators, human rights . rural health, education access, public service delivery,

citizen satisfaction. For Punjab, for instance, recent studies like "Realizing Human Rights in Rural Punjab" can serve as models.

10. **Legal Doctrine & Judicial Interpretation**



Track emerging case law in the Indian Supreme Court and state High Courts affecting state autonomy, judgments on Governor's role, Concurrent List subjects, assent or reservation powers, etc. There is need to analyze how judicial interpretation is evolving, especially in response to constitutional challenges, political pressures, and institutional design.

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